

10/790,520

00AB072A / ALBRP176USA

REMARKS

Claims 1-17 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-17 Under 35 U.S.C. §102(e)

Claims 1-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Johnson *et al.* (US 2002/0041238 A1). It is requested that this rejection be withdrawn for at least the following reason. Johnson *et al.* does not describe each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Applicant's claimed invention relates to creating and sending a pager message from a communications device to a remote device via a communications medium, according to a control condition in a control device which triggers pager message construction and transmission. (*See* pg. 10, ll. 1-4). In particular, independent claims 1, 7, and 14 recite a similar limitation: a processor that *determines whether a trigger condition exists and associates a data variable with the trigger condition*. The determination of whether a trigger condition (*i.e.*, situations that require attention or adjustment) exists is separate and in addition to the receipt of information from the industrial control device. In order for the processor to associate a data variable with the trigger condition, an identified trigger condition must first exist. Trigger conditions include, for example, conditions where the monitored status information correlates with an entry in a predetermined status trigger list. (*See* pg. 18, ll. 8-10). Johnson *et al.* does not describe these aspects of the invention as claimed.

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Johnson *et al.* discloses a bi-directional pager communications system for monitoring remote stations. Each remote station includes monitoring hardware, data storage to collect and record data received by the monitor, and a pager to transmit the data to a user. (*See Abstract*). The Examiner contends that Johnson *et al.* discloses a processor that determines whether a trigger condition exists and associates data with the trigger condition at Abstract, Figures 1-2, and paragraphs 0036-0039, 0056-0057, and 0085-0087. (*See pg. 5*). Applicant's representative respectfully disagrees with such contention.

At Abstract, Figures 1-2, and paragraphs 0036-0039, Johnson *et al.* describes a set of three remote monitoring and control stations within the coverage area of the host system and another set of three remote monitoring and control stations outside the coverage area. The stations communicate with a mobile pager that can travel among the ranges of the stations and the range of host control system, and the mobile pager relays the received information to the host system. At paragraphs 0056-0057, Johnson *et al.* describes a Global Positioning System that monitors the position of the mobile pager, and at paragraphs 0085-0087, the cited reference further describes an effector that alters the function of the cathodic protection devices applied to the pipeline and a monitor that measures the state of cathodic protection. Johnson *et al.* fails to disclose a processor that *determines whether a trigger condition exists*, let alone a processor that *associates a data variable with the trigger condition*. Rather, Johnson *et al.*'s mobile pager communicates data to the host system regardless of whether a trigger condition exists. In addition, Johnson *et al.* cannot associate a data variable with a trigger condition when there is no determination of a trigger condition to begin with.

In view of at least the foregoing, it is readily apparent that Johnson *et al.* does not describe the invention as recited in independent claims 1, 7, and 14 (and associated dependent claims 2-6, 8-13, and 15-17). Accordingly, this rejection should be withdrawn.

10/790,52000AB072A / ALBRP176USACONCLUSION

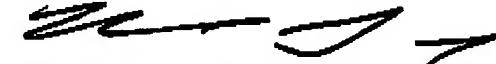
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP176USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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